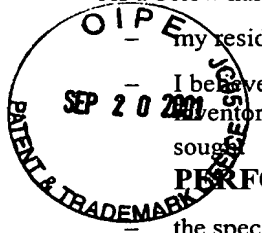


COMBINED DECLARATION AND POWER OF ATTORNEY

944-003.079
(Docket Number)

As a below named inventor, I hereby declare that:



my residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **METHOD FOR DETERMINING WHETHER TO PERFORM LINK ADAPTATION IN WCDMA COMMUNICATIONS,**

the specification of which is attached hereto unless the following box is checked: ☒. If the box is checked,

the application was filed on **July 24, 2001**
as U.S. Application Number **09/912,227**
or PCT International Application Number
and was amended on (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application			Priority Not Claimed
(Application Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Application Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>

To the extent permitted by rule or law, I hereby incorporate by reference the Prior Foreign Application(s) listed above.

I hereby claim the benefits under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

(Provisional Application Number)	(Day/Month/Year Filed)
(Provisional Application Number)	(Day/Month/Year Filed)

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s), or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose information which is material to patentability, as defined in 37 CFR §1.56, which became available between the filing date of the prior application and the national or PCT International filing date of this application.

(Application Number)	(Day/Month/Year Filed)	(Status--patented, pending, abandoned)
(Application Number)	(Day/Month/Year Filed)	(Status--patented, pending, abandoned)

SECTOR
✓ \$1



Practitioner's Docket No. 944-003.079

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Seppo Hämmäläinen

Application No.: 09/912,227
Filed: July 24, 2001

Group No.: To be assigned
Examiner: To be assigned

For: **METHOD FOR DETERMINING WHETHER TO PERFORM LINK
ADAPTATION IN WCDMA COMMUNICATIONS**

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

**COMPLETION OF FILING REQUIREMENTS
- NONPROVISIONAL APPLICATION**

(check and complete this item, if applicable)

- I. ☒ This replies to the Notice to File Missing Parts of Application (PTO-1533) mailed.
August 31, 2001.

NOTE: If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return post card or the attorney's docket number added.

- ☒ A copy of the Notice to File Missing Parts of Application – Filing Date Granted
(Form PTO-1533) is enclosed.

NOTE: The PTO requires that a copy of Form PTO-1533 be returned with the response to the notice to file missing parts to the application.

The PTO did not receive the following
listed item(s) Recordation
Cover Sheet

The PTO did not receive the following
listed item(s) _____

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

- ☒ Deposited with the United States Postal
Service with sufficient postage as first class
Mail in an envelope addressed to the
Assistant Commissioner for Patents,
Washington, D.C. 20231.

FACSIMILE

- ☐ transmitted by facsimile to the Patent and
Trademark Office.

Date: Sept. 17, 2001

Jodie Droniak
Signature

Jodie Droniak
(type or print name of person certifying)

DECLARATION OR OATH



- II. ☒ No declaration or oath was filed. Enclosed is the original declaration or oath for this application.

NOTE: If the correct inventor or inventors are not named on filing a nonprovisional application under § 1.53(b) without an executed oath or declaration under § 1.63, the later submission of an executed oath or declaration under § 1.63 during the pendency of the application will act to correct the earlier identification of inventorship. 37 C.F.R. § 1.48(f)(1).

OR

- ☐ The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

NOTE: For surcharge fee for filing declaration after filing date complete item VI(3) below.

NOTE: "The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 C.F.R. § 1.63:

"(A) application number (consisting of the series code and the serial number, e.g., 08/123,456;

"(B) serial number and filing date;

"(C) attorney docket number which was on the specification as filed;

"(D) title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or

"(E) title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number, e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration."

M.P.E.P. § 601.01(a) 7th Ed.

NOTE: Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 C.F.R. § 1.10(c).

(complete (c) or (d), if applicable)

Attached is a

- (c) ☐ Statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration.
- (d) ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.

AMENDMENT CANCELLING CLAIMS

- III. ☐ Cancel claims _____ inclusive.



**TRANSMITTAL OF ENGLISH TRANSLATION
OF NON-ENGLISH LANGUAGE PAPERS**

- ☐ Submitted herewith is an English translation of the non-English language application papers as originally filed. Also submitted herewith is a statement by the translator of the accuracy of the translation. It is requested that this translation be used as the copy for examination purposes in the PTO.

NOTE: For fee processing a non-English application, complete item VI(5) below.

NOTE: a non-English oath or declaration in the form provided by the PTO need not be translated. 37 C.F.R. § 1.69(b).

SMALL ENTITY STATUS

- V. ☐ A statement that this filing is by a small entity

(check and complete applicable items)

- ☐ is attached.
- ☐ A separate refund request accompanies this paper.
- ☐ was filed on _____ (original).

COMPLETION FEES

VI.

WARNING: Failure to submit the surcharge fees where required will cause the application to become abandoned. 37 C.F.R. § 1.53.

NOTE: For effect on fees of failure to establish status, or change status, as a small entity, see 37 C.F.R. § 1.28(a).

1. Filing fee

- ☒ original patent application
(37 C.F.R. § 1.16(a) - \$710.00; small entity - \$355.00) \$ 710.00
- ☐ design application
(37 C.F.R. § 1.16(f) - \$320.00; small entity - \$160.00) \$ _____
- \$ _____

2. Fees for claims

- ☐ each independent claim in excess of 3
(37 C.F.R. § 1.16(b) - \$80.00; small entity - \$40.00) \$ _____
- ☐ each claim in excess of 20
(37 C.F.R. § 1.16(c) - \$18.00; small entity - \$9.00) \$ _____
- ☐ multiple dependent claim(s)
(37 C.F.R. § 1.16(d) - \$270.00; small entity - \$135.00) \$ _____

(Completion of Filing Requirements – Nonprovisional Application [5-1] – page 3 of 6)

3. Surcharge Fees



- ☒ late payment of filing fee and/or late filing of original declaration or oath (37 C.F.R. § 1.16(e) - \$130.00); \$ 130.00

Even where a facsimile declaration or oath signed by the inventor(s) was part of the originally filed papers, the surcharge fee is required.

If both the filing fee and declaration or oath were missing from the original papers, the Office practice under § C.F.R. § 1.16(e) is that only one surcharge Fee need be paid whether the later filed oath or declaration and/or the filing fee are submitted afterwards at the same time or at different times.

4. ☐ Petition and fee for filing by other than all the inventors or a person not the inventor (37 C.F.R. §§ 1.17(i) and 1.47 - \$130.00) \$ _____
- ☐ Fee for processing an application filed with a specification in a non-English language (37 C.F.R. §§ 1.17(k) and 1.52(d) - \$130.00) \$ _____
- ☐ Fee for processing and retention of application (37 C.F.R. §§ 1.21(l) and 1.53(d) - \$130.00) \$ _____
- ☒ Assignment (See "ASSIGNMENT COVER SHEET".) \$ 40.00

NOTE: 37 C.F.R. § 1.21(l) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 C.F.R. § 1.53(f) and this, as well as the changes to 37 C.F.R. §§ 1.53 and 1.78, indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee or the processing and retention fee of § 1.21(l) within 1 year of notification under § 1.53(f) must be paid.

Total completion fees \$ 880.00

EXTENSION OF TIME

VII.

(complete (a) or (b), as applicable)

The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

- (a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 390.00	\$ 195.00
<input type="checkbox"/> three months	\$ 890.00	\$ 445.00
<input type="checkbox"/> four months	\$1,390.00	\$ 695.00

Fee: \$ _____

If an additional extension of time is required, please consider this a petition therefor.

(Completion of Filing Requirements – Nonprovisional Application [5-1] – page 4 of 6)



(check and complete the next item, if applicable)

- ☐ An extension for ____ months has already been secured, and the fee paid therefor of \$ ____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

or

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

TOTAL FEE DUE

VIII.

The total fee due is

Completion fee(s) \$ 880.00
Extension fee (if any) \$ _____

Total Fee Due \$ 880.00

PAYMENT OF FEES

IX.

- ☒ Enclosed is a check in the amount of \$880.00.
Charge Account No. _____ in the amount of \$ _____.
A duplicate of this request is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 C.F.R. § 1.22(b).

Please charge Account No. 23-0442 for any fees that may be due by this paper.

AUTHORIZATION TO CHARGE ADDITIONAL FEES

X.

WARNING: Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claims are authorized.

NOTE: "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).

- ☒ The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the pendency of this application to Account No. 23-0442.

☒ 37 C.F.R. § 1.16(a), (f) or (g) (filing fees)

☒ 37 C.F.R. § 1.16(b), (c) and (d) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

- ☒ 37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☐ 37 C.F.R. § 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a))
- ☐ 37 C.F.R. § 1.17 (application processing fees)



NOTE: "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).

- ☐ 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b))

NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. § 1.311(b).

NOTE: 37 C.F.R. § 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application...prior to paying, or at the time of paying...issue fee..." From the wording of 37 C.F.R. § 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.



SIGNATURE OF PRACTITIONER

Reg. No. 41,266

James A. Retter

(type or print name of practitioner)

Tel. No.: (203) 261-1234

WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP

Bradford Green, Bldg. Five
755 Main St., P.O. Box 224
Monroe, CT 06468

Customer No. 04955

I hereby appoint the attorney(s) and/or agent(s) assigned to the customer number listed below, as may from time to time be amended, belonging to the firm of **Ware, Fressola, Van Der Sluys & Adolphson LLP**, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Customer Number

4955



04955

PATENT TRADEMARK OFFICE



Address all telephone calls to: Ware, Fressola, Van Der Sluys & Adolphson LLP at (203) 261-1234. Address all correspondence to:

Customer Number

4955



04955

PATENT TRADEMARK OFFICE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Seppo HÄMÄLÄINEN Full name of sole or first inventor (given name, middle initial, FAMILY NAME(S) IN UPPER CASE)	
<u>Seppo Hämmäläinen</u> Inventor's Signature	<u>22.8.2001</u> Date
Espoo, Finland Residence	Finland Citizenship
Post Office Address: Punatulkuntie 6-8A3, 02760 Espoo, Finland	

Full name of second inventor (given name, middle initial, FAMILY NAME(S) IN UPPER CASE)	
_____ Inventor's Signature	_____ Date
_____ Residence	_____ Citizenship
Post Office Address:	

Full name of third inventor (given name, middle initial, FAMILY NAME(S) IN UPPER CASE)	
_____ Inventor's Signature	_____ Date
_____ Residence	_____ Citizenship
Post Office Address:	

☐ Additional inventors are being named on separately numbered sheets attached hereto.